



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2018/061
Order No.: 36 (NY/2020)
Date: 2 March 2020
Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

HASSAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Linda Mohlin, UNDP

Introduction

1. The Applicant, a former Programme Analyst at a National Officer B-Grade level with the United Nations Development Programme (“UNDP”) in the United Arab Emirates, contests the Administration’s decision not to renew his fixed-term appointment beyond 28 February 2018 due to budgetary limitations.

Consideration

2. Having reviewed the Respondent’s submission dated 13 February 2020 and the Applicant’s submission dated 21 February 2020, the Tribunal considers that it is necessary for the Respondent to submit additional information relating to the reasons for the contested decision.

3. In particular, the Tribunal notes that as a justification for the abolition of the Applicant’s post, the decision-maker wrote in an email on 10 December 2017 that “[t]he main goals assigned to the [Applicant’s] position include support to economic development in the Northern Emirates. These goals were not met, and additionally, the Government has expressed it as no funding availability for projects in the northern Emirates for the medium-term ...”. The Applicant disputes that the main goals assigned to his position were related to economic development in the Northern Emirates and presents his job description as supporting documentation. Accordingly, the Tribunal requires the Respondent to submit supporting documentation.

4. In addition, while the Respondent submitted some documentation in response to Order No. 22 (NY/2020), the Tribunal needs additional documentation in relation to the reasons for the contested decision as set forth in the management evaluation response.

5. Relating to a statement in the management evaluation response that the Applicant was “the second most junior staff member in the [country office]” and “the most junior staff member was the G5”, the Tribunal requires the record on entry-on-duty dates for each staff member in the country office in the United Arab Emirates.

6. Also, relating to a statement in the management evaluation response that “of the four members of the programme staff, two staff members had significantly longer Fixed-Term Appointments”, the Tribunal requires the record on appointment extensions in 2017-2018 for the other three staff members of the programme team.

7. Relating to a statement in the management evaluation response that the Applicant was “working on an *ad hoc* basis on Partnerships, a function that was not limited to [his] role, but which all programme staff performed”, the Tribunal requires the job descriptions for the other three staff members of the programme team.

8. Following the Respondent’s submission of the above-mentioned documentation, the proceedings are to be closed and thereafter the parties are to file their closing statements.

IT IS ORDERED THAT:

9. By **4:00 p.m. on Friday, 6 March 2020**, the Respondent is to file additional information as follows:

- a. Documentation showing that the main goals assigned to the Applicant’s position included support to the economic development in the Northern Emirates;
- b. The record on entry-on-duty date for each staff member in the UNDP country office in the United Arab Emirates;
- c. The record on appointment extensions in 2017-2018 for the other three staff members of the programme team in the UNDP country office in the United Arab Emirates;
- d. The job descriptions for the other three staff members of the programme team in the UNDP country office in the United Arab Emirates;

10. By **4:00 p.m. on Friday, 13 March 2020**, the Applicant shall file his closing statement, which is solely to be based on the submissions and evidence on record. The statement shall not exceed five pages, using Times New Roman, font 12 and 1.5 line spacing;
11. By **4:00 p.m. on Wednesday, 18 March 2020**, the Respondent shall file his closing statement, which is solely to be based on the submissions and evidence on record. The statement shall not exceed five pages, using Times New Roman, font 12 and 1.5 line spacing;
12. By **4:00 p.m. on Friday, 20 March 2020**, the Applicant may file his final observations, if any, responding to the Respondent's closing statement, which shall not exceed two pages, using Times New Roman, font 12 and 1.5 line spacing.

(Signed)

Judge Joelle Adda

Dated this 2nd day of March 2020